

**Notice of Allowability**

Application No.

09/936,446

Examiner

RANDALL WINSTON

Applicant(s)

GARCIA-RODENAS ET AL.

Art Unit

1654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final filed on 10/17/2003.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                       | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1203</u> |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. <u>0901</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                       |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                 | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                 |
|   | 9 <input type="checkbox"/> Other   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of issue of fee.

Authorization for this amendment was given in a telephone interview with Robert M. Barrett on December 3, 2003.

#### **IN THE CLAIMS**

In claim 1, at line 3, the phrase --a protein source comprising-- has been inserted after the word "comprising:"

In claim 4, at line 3, the phrase --bioactive proteins, such as-- has been deleted.

In claim 6, at line 2, the phrase "a source of protein providing" has been omitted and replaced with --the protein source in an amount which provides--

In claim 7, at line 2, the phrase - -containing a protein source, whereby the composition is - -has been inserted after the word "composition" .

In claim 7, at line 3, the phrase "using as a protein source a mixture" has been omitted and replaced with - -producing the protein source by blending together- -

In claim 10, at line 3, the phrase - -bioactive peptides such as- - has been deleted.

In claim 12, at line 1, the term "including" has been omitted and replaced with- -further comprising- -

In claim 12, at line 2, the phrase "a source of protein providing" has been omitted and replaced with - -the protein source in an amount which provides- -

In claim 13 at line 2, the phrase - -to the young mammal- - has been inserted after the term "of administering".

In claim 16, at line 3, the phrase - -bioactive peptides such as- - has been deleted.

In claim 18, at line 2, the phrase "a source of protein providing" has been omitted and replaced with - -the protein source in an amount which provides- -

In claim 19, at line 2, the phrase - -to the young mammal- - has been inserted after the term "of administering"

In claim 22, at line 3, the phrase - -bioactive peptides such as- - has been deleted.

In claim 24, at line 2, the phrase "a source of protein providing" has been omitted and replaced with - -the protein source in an amount which provides- -

Claims 1-24 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDALL WINSTON whose telephone number is 703-305-0404. The examiner can normally be reached on 8AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 703-306-3220. The fax phone number for the organization where this application or proceeding is assigned is 703-746-3110.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

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A handwritten signature in black ink, appearing to be 'Christopher R. Tate', written in a cursive style.

CHRISTOPHER R. TATE  
PRIMARY EXAMINER